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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,173	10/03/2003	Christophe Carret	2003-027-TOU STK 03027 PU	2873
51344	7590	12/22/2005	EXAMINER WONG, KIN C	
STORAGE TECHNOLOGY CORPORATION ONE STORAGE TEK DRIVE, MS-4309 LOUISVILLE, CO 80028-4309			ART UNIT 2651	PAPER NUMBER

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,173

Applicant(s)

CARRET ET AL.

Examiner

K. Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is a response to remarks filed 9/26/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims (1, 2, 5-7, 11, 14-15 and 17-18) are rejected under 35 U.S.C. 102(e) as being anticipated by Gariepy et al (6900960).

Regarding claims 1, 14 and 17: Gariepy et al discloses an automated storage system (or library and see col. 1, lines 15-25 of Gariepy) includes: a media storage facility (as depicted in figure 2 of Gariepy et al) that includes plurality of individual medium slot for individual medium (as shown in element 22 of figure 2) and plurality of super set slot (shown as element 22 in figure 2), and accessed by a mechanism which could accesses the medium individually or as superset (see col. 3, lines 26-45; col. 4, lines 28-31; col. 5, lines 1-53 and col. 6, lines 30-53 where Gariepy et al describes the accesses of individual medium or a group medium in a plurality of racks with plurality of magazines (subset of the superset) that including individual storage medium).

Regarding claims 2, 15 and 18: Gariepy et al teaches that wherein the media storage facility is configured such that supersets can be reorganized, emptied, or

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created based on a list of individual media present in the media storage facility (see col. 3, lines 28-64 and col. 4, lines 29-31 where Gariepy et al describes the design flexible of the library to accommodate new configuration of changes in the desired medium listing and/or the usage of the medium or creating an update listing of the individual medium location

Regarding claims 5, 6, 7 and 11: Gariepy et al teaches that wherein the media storage facility is configured such that intermediate supersets can be logically organized within the physical organization of a parent superset (see col. 3, lines 28-54 where Gariepy et al describes the subset of the superset is being organized within the physical organization structure).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims (3, 4, 8-10, 12-13, 16 and 19-20) are rejected under 35 U.S.C. 103(a) as being unpatentable over Gariepy et al (6900960) in view of Mizukami et al (5598385).

Regarding claims 3, 16 and 19: although Gariepy et al discloses the configuration of supersets that which can be reorganized, emptied, or created. Gariepy et al is silent on reconfiguration that based on a set of instructions or policies imposed by a controlling system. Mizukami et al is relied on for the teachings of reconfiguration that

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based on a set of instructions or policies imposed by a controlling system (see col. 2, line 52 to col. 3, line 7 of Mizukami et al).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the configuration requirements for organizing the medium set as taught by Mizukami et al. The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the configuration of the organized medium based on the shortest access distance as suggested in col. 2, lines 25-27 of Mizukami et al.

Regarding claim 4: the combination of Garipey et al and Mizukami et al t considered that wherein the media storage facility is configured such that the organization of the supersets can be a RAID grouping are known within the references because a library system encompasses RAID.

Regarding claim 8: the combination of Garipey et al and Mizukami et al teaches that wherein the media storage facility is configured to receive supersets and individual media such that system accessible supersets may be created with received individual media and such that received supersets may be split into multiple system accessible individual media or intermediate supersets of media (see col. 3, lines 28-54 and col. 3, line 65 to col. 4, line 12 of Garipey et al).

Regarding claim 9: the combination of Garipey et al and Mizukami et al teaches that wherein the media storage facility is configured to manage more types of supersets than the system is organized to receive (see col. 3, lines 28-54 of Garipey et al).

Regarding claim 10: the combination of Gariepy et al and Mizukami et al considered that wherein the media storage facility is configured such that system accessible individual media may be grouped to form supersets for ejection and such that system accessible supersets may be ejected as a unit or split into multiple individual media for ejection are known within the references because the ejection is a reverse function of the receiving the medium into the system.

Regarding claims 12 and 20: the combination of Gariepy et al and Mizukami et al teaches that wherein the accessing mechanisms are the same physical mechanism (col. 7, lines 25-47 of Gariepy et al).

Regarding claim 13: the combination of Gariepy et al and Mizukami et al teaches that wherein there are a plurality of different types of supersets of media (see col. 1, lines 9-13 of Mizukami et al).

Response to Arguments

Applicant's arguments filed 9/26/05 have been fully considered but they are not persuasive.

Regarding to Gariepy et al in the remarks filed on 9/26/05: applicants argue that Gariepy et al fails to suggest the accessibility to the superset. Applicants are directed to col. 3, lines 28-45; col. 4, lines 28-31; col. 5, lines 36-53 and col. 6, lines 45-53 of Gariepy et al. Furthermore, col. 6, lines 30-53 where Gariepy et al describes the superset (i.e., plurality of racks with plurality of magazines (subset of the superset) that including individual storage medium).

Regarding claim 2 in the remarks filed on 9/26/05: applicants argue that Garipey et al fails to teach moving medium around in the library in order to create a new organized listing of the medium as such recited. The recitation is not positively recited as applicants asserted. As argued, applicants are directed to col. 3, lines 55-64 and col. 4, lines 29-31 where Garipey et al describes the design flexible of the library to accommodate new configuration of changes in the desired medium listing and/or the usage of the medium or creating an update listing of the individual medium location.

Regarding claims 5-7 and 11: applicants argue that Garipey et al fails to suggest the intermediate superset (subset of a superset). The intermediate superset (or subset of the superset) is an adherent to a subset of the superset (i.e., a magazine is a sub unit of the rack).

Regarding claims 14-15 and 17-18: applicants argue that Garipey is not automated storage system and the system without a shelf system. Applicants are directed to col. 1, lines 15-25 of Garipey. Moreover, the shelf system is an enclosed frame structure where the rack system is an open frame structure.

Regarding Mizukami in the remark filed on 9/26/05: applicants argue that Mizukami is improper reference because it teaches media management and shortening media travels which not related to re-organizing or creating an updated configuration listing and new moving instructions or policies for the medium handler or library. Mizukami is cited for updating the configuration and the listing for the new moving instruction or policies in the library or the media management and creating the shortening medium traveling list (intermediate map listing for the storage medium).

Therefore, Mizukami is proper for the combination of Gariepy and Mizukami. Thus, the rejection of claims (3-4, 8-10, 12-13, 16 and 19-20) stands.

Henceforth, the rejection of the claims stands.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kulakowski et al (5303214) and Goodman et al (6356803) are cited for map the storage medium and the distribution control in a library.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Wong whose telephone number is (571) 272-7566.

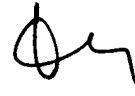
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kw

17 Dec 05

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